

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Sandra Obermeier,)	C/A No. 6:04-22804-RBH-WMC
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Bonitz, Inc. and Bonitz Contracting)	
Co., Inc.,)	
)	
Defendant.)	
)	

The plaintiff in her complaint alleges against the defendants, who she alleges “are a single and/or joint employer,” claims of race discrimination in violation of Title VII and in violation of 42 U.S.C. §1981, for sexual harassment, for retaliation in violation of Title VII and in violation of 42 U.S.C. §1981 and for violation of the Fair Labor Standards Act.

In accordance with 28 U.S.C. § 636(b)(1)(A) and Local Civil Rule 73.02 this matter comes before the Court with the Report and Recommendation of United States Magistrate William M. Catoe filed April 14, 2005. This Court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b).

Based on his review of the record, the Magistrate Judge concluded that the defendant’s motion to dismiss be denied. No objections have been filed in this case.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court.

Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the report and recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this Court is not required to give any explanation for adopting the recommendation. *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has reviewed the Report, pleadings, memoranda, and applicable law. The Court adopts the Report and Recommendation and incorporates it herein by reference. Accordingly, defendants' motion to dismiss is **DENIED** and this case is recommitted to Magistrate Judge Catoe for consideration of all pretrial matters pursuant to the provisions of Title 28, United States Code, § 636(b)(1)(A), and Local Rule 73.02(B)(2)(g), D.S.C.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

May 5, 2005
Florence, SC